G. R. S. 59]

GPB—15,000- 20 12 1.

GENERAL AND REVENUE SECRETARIAT.

1906-07
191 .
(Madras)

File No. 321

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

In re the enforcement of the order of Excommunication issued by the Swamy of the Sravanabelagola Jain Math.

PREVIOUS REFERENCES	LATER REFERENCES

Muz. 8] 190 6-07

MUZRAI SECRETARIAT.

OFFICE NOTE.

File No.

SUBJECT.

In re The enforcement of the order of excommunication issued by The Swamy of The Sravanabelagola Jain Matt.

From

The Dy. Commissioner, Hassan District.

No. 487 dated 29th December 1906.

(Sd.) .

From The Dy. Commissioner's letter and the records received therewith, it is observed that on the 11th June 1905, one Pasare Doddapayanna of the Hassan town was beaten with shoes by one Brahmadevu; that on the complaint of one Chinna Setty of Hassan, the Guru of the Sravana belagola matt summoned both parties and their witnesses, held an enquiry and placed both of them under ex-communication. He

File No. of Muzrai Secretariat.

also directed that they should not associate with persons of their rech until they underwent the prescribed purificatory ceremonies at the matt and has declared them unfit to enter any Basti till then. Doddapayanna subsequently appealed to the Dy Commr against the order of excommunication praying for permission to enter the temples etc. His appeal was referred for report to the General Assistant Commr Mr. B. Ramaswamiya and that officer has submitted a detailed report explaining the facts of the case. The Dy. Commr solicits instructions of Govt. regarding the enforcement or otherwise of the said order of excommunication. A Copy of Govt. Pro. no. 7708-15/209 dated 27th February 1889 on the subject is herewith submitted.

Submitted.

The Assistant-Commissioner is of

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Muzrai Secretariat. | File No. of 190

opinion that the petition is virtually an appeal against the order of the matt, but that no such appeal can be taken cognizance of by an Officer of Government in ch: of inquiri Enams. He therefore says that no redress, as prayed for by the petitioner, can be given to him on the petition.

The Dy Comrs has however pointed out that Mr. Ramaswamy has not stated any opinion on the other question involved in the case viz whether a Govt Officer can enforce the order of ex-communication passed by the

GPB—3,000—22-6 06

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Govt.-

In Govt. order no 7708-15-209 dated the 27th February 1889 directed that the order of excommunication issued by ~~the~~ matts should be enforced by Muzrai Officers only in the case of the matts whose orders of excommunication used to be enforced as a matter of course, previous to August 1877. The Dy Commissioner ~~admitted~~ Comr. admits that there was a precedent in favour of this matt in 1850 and that in the present instance the enquiry held by the Govt. satisfies the conditions laid down in Govt. order referred to above

But-

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the Swamy that there are not instances to show that the excommunications had, previous to 1877, been enforced by Muzrai Officers in such a uniform manner and in such a number of cases as to constitute, in his opinion a binding custom. He states further that "the Government is not in a position to enforce the order of excommunication passed by the Swamis." He however requests instructions of Govt in the matter of permitting the petitioner to freely resort to all the Muzrai temples.

Sd
ks
7/2/07

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Muzrai Secretary's Remarks.

As observed by Mr. B. Ramaswamiah, Assistant Commissioner, and Mr. Wetherall, Deputy Commissioner, the Govt in the Muzrai Department cannot entertain the appeal against the order of excommunication passed by the Swami of the Sravanabelagola Matt. It is an order passed purely in the exercise of the ecclesiastical jurisdiction of the Swami and Govt cannot interfere therein.

The question for the Govt therefore is whether or not to enforce the Swami's order so far as it prohibits the excommunicated persons entering Jain Bastis under Muzrai management. The Govt Order No. 7708-15/209, dated 27th February 1889 (printed copy put up), directs the enforcement of such orders of Matts under certain conditions. All the conditions laid down in the aforesaid Govt Order have been fulfilled in the present case, the Guru having himself conducted the enquiry and passed the excommunication

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order in due form under his seal and signature and also declared that the excommunicated persons are unfit to enter Jain Bastis until they underwent a purificatory ceremony. This Matt's excommunication order appears to have been given effect to by Govt in another case about the year 1850.

I am therefore of the humble opinion that the present excommunication order may be enforced so far as the Jain Bastis and other Jain religious institutions under Muzrai management are concerned, that is to say, that the excommunicated persons should not be allowed to enter those institutions until the needful purificatory ceremonies are performed.

Irrespective of the quotations from Shatras made by the Priest of the Matt in his long judgment, there is a sentiment among all classes of Hindus and also Mohomedans that a person who is beaten with shoes loses caste to

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some extent, until purified. The Priest's order being in accordance with this sentiment, the whole of the Jain community are probably in agreement with that order, and therefore any order of Govt declining to give effect to the Priest's interdiction and permitting the excommunicated persons to enter Bastis may give dissatisfaction to the larger portion of the community and probably lead to disturbances and breaches of the peace. Hence the suggestion which I have ventured to make in this case.

406

4255/25.3.07

Submitted to the Dewan thro' the II Councillor.)

Ramalingam Pillai

22nd. March 1907.

I agree with the Muzrai Secretary. The order of excommunication having been issued after a formal enquiry & in due form, it must be enforced in all Muzrai Jain Institutions

13/4/07

22/3/07

2d Councillor

Ell 22 3

Recd 9.4.07 AV. Please put with Submits. 10/4/07

1906-0

3181

Refer
1/
3/1/07

From
P. R. W. Wetherell
Deputy Commissioner
Hassan District.

To
L. Anantasami Rao Esqr. B.A.
Secretary to the Government of
H. H. the Maharaja of Mysore
Mineral Department

Dated 29th December 1906
Bangalore
Published 2nd January 1907

Received

General No 487
No. 9

Enclosure No. 2 P.

Subject.

Soliciting instructions of Government regarding the enforcement or otherwise of the order of excommunication passed by the Swami of the Sravana Belagola Jain matt in the Chennarayapatna Taluk.

MGCPB—50 reams—6-12-02

Deputy Commissioners office
Hassan District
Dated Hassan 29th December 1906.

From. P. L. W. Wetherall Esqr.
Deputy Commissioner
Hassan District

To. L Ananthasami Rao Esqr. BA
Secretary to the Government of
His Highness the Maharaja of Mysore
In Krai Department
Bangalore.

Sir,

I have the honour to State that on a complaint of one Chenna Shetty of Hassan to the Swami of the Sravanabelagola matt in the Cheluroyapatna Taluk that Doddapayanna of the Hassan Town had been beaten with Shoes, the Swami held an exhaustive enquiry, and ordered the excommunication of the said Doddapayanna, and one Bramhadeva also concerned in the affair. He further declared them unfit to enter temples or

to

to associate with persons of their
Sect until they underwent the pre-
scribed purificatory ceremonies at
the matt

2 Doddapayanna presented a
petition to this office praying for a
revision of the order of the Swm,
and for permission to freely enter
all the temples The General Assistant
Commissioner Hassan (Mr B
Ramaswamiah) was requested to
enquire and report in the matter.
After detailing at length the facts
of the case, and on a consideration
of the circumstances, Mr B Ramaswamiah
came to the Conclusion "that the petition
is virtually an appeal against the order
of the matt. It appears to me that no
such appeal can be taken cognizance
of by an officer of Government in
charge of Inwrai Institutions". I fully
concur with him in holding that no
such appeal could be entertained by a
Inwrai officer

3 Mr. B. Ramaswamiah has not
stated any opinion on the other question
involved in the Case, viz whether a
Government officer can enforce the
order of excommunication passed by
the Guru In Government Proceedings
No 3907-66 dated 24th August 1888
on the Subject, the Deputy Commissioners
were called upon to furnish a list of
matts whose orders of excommunication
used to be enforced prior to 1877.
In reply thereto, the Deputy Commissioner
Hassan District reported in letter no 258/9
dated 13th August 1889, that there was only
one isolated case in which the Guru of
the Sravanabelagola matt produced
a Copy of order No 102 of 12th November
1850 issued from the office of the
late Superintendent of Ashtagrama
Division to the Amildar of the late
Kikkeri Taluk. It was also reported in
the said letter that "it is enjoined in this
order that the order of the Guru
excommunicating a Purohit should
be enforced This is only an isolated Case"

In

In the present instance the enquiry held by the Sub Collector satisfies the conditions laid down in the said Government Proceedings, but there are not instances to show that the excommunications had previous to 1877, been enforced by Maravai officers" in such a uniform manner, and in such a number of cases as to constitute, in the Deputy Commissioner's opinion, a binding Custom". From the above it would appear that the Government is not in a position to enforce the order of excommunication passed by the Swami. It is therefore a question for consideration whether the petitioner may be permitted to freely resort to all the Maravai temples. I therefore request instructions of Government in the matter.

4. The vernacular papers ending with the General Assistant Commissioner's memo No. 1822. dated 31st May 1906 are

enclosed for reference

I have the honour to be,

Sir,

Your most obedient Servant

W. H. Wellesley

Deputy Commissioner

Lgsl/ Hassan Dieleich.

under certain conditions

d.

[illegible] would [illegible] the order of the said Guru appears to [illegible] officer [illegible] members of [illegible] caste". I fully concur with him in holding that no such power could be exercised by [illegible] officer.

[illegible] question involved in the case, viz whether a Government officer can enforce the order of excommunication passed by the Guru. In Government Proceedings No. [illegible] dated 21st August 1878 on the subject, the Deputy Commissioner was called upon to furnish list of cases where orders of excommunication need to be enforced prior to 1877. In reply thereto, the Deputy Commissioner in question reported that there was only one [illegible] case in which the Guru of the Panchamshalgola Math produced a copy of order No. 102 of 18th November 1850 issued from the office of the late Superintendent of Ashoorwa Division to the Amildar of the late Nikkeri Taluk. It was also reported in the said letter that " it is enjoined in this order of the Guru excommunicating a Brahmin should be enforced. This is only an isolated case". In the present instance the enquiry held by the Guru satisfies the conditions laid down in the said Government Proceedings, but there are not instances to show that the excommunications had previous to 1877, been enforced by Mazrai officers" in such a ~~number of~~

[illegible] constitute
[illegible] petition
[illegible] Court. It
[illegible] petitioner
[illegible] I
therefore reject [illegible] petition.

Order thereon No. 4922-30 [illegible] dated 7th April 1930.

The Government of the [illegible] cannot entertain an appeal against the order of [illegible] passed by the Court of the Swamiyar in this case. It is an order passed purely in the exercise of the ecclesiastical jurisdiction of the Swami and Government cannot interfere therewith.

The question for decision by the Government therefore is whether or not to enforce the Swami's order so far as it prohibits the excommunicated persons from entering the Jain Sastis under Sarkar management. All the conditions laid down in the Government order cited above have been fulfilled in the present case, the Guru having himself conducted the enquiry and passed the excommunication order in due form under his seal and signature and also declared that the excommunicated persons are unfit to enter the Jain Sastis until they undergo a purificatory ceremony. This Mutt's excommunication order is reported to have been given effect to by Government in another case about the

year ~~1849~~ 1850

[illegible] the ceremony [illegible] of the objective of the ceremonies for [illegible] the object of the act in his long journey, [illegible] a peaceful stream of [illegible] and also [illegible] with whose [illegible] and merciful, and he [illegible] the priest's order to be accompanied with the performance.

In these circumstances the Government are pleased to direct that the present excommunication order issued by the Board of the Shravanbelgola Jain Mutt should be enforced so far as the Jain Pastis and other Jain religious institutions under Kuzrai management are concerned that is to say, that the excommunicated persons should not be allowed to enter those institutions until the needful purificatory ceremonies are performed.

By Order,

[illegible]
SECRETARY.

To,

The Deputy Commissioner, Hassan District returning the enclosures.

" Deputy Commissioners of other Districts.

" Officer in charge of the Palace Establishments

Draft as per Dewan's order.
Murzai

Read,

Government order

no 7408-15/209 dated 27th Feby. 1889 under certain conditions directing the enforcement of orders of excommunication issued by matts in the State; ~~under certain conditions~~

And;

Letter no 487/S dated 29th December 1906 from the Deputy Commissioner of the Hassan District in extenso

Order thereon no. Dy

As observed by Mr. B. Ramaswamiah, Assistant Commr. in his English memo received under cover of the letter read above, and by Mr. F.R.W. Wetherall, Deputy Commissioner.

~~The~~ Gont in the Mysore
Department cannot
entertain the appeal
against the order of
excommunication passed by
the Swami of the Sravana
belagola matt in this case. It is an
order passed purely in
the exercise of the ecclesias-
tical jurisdiction of the
Swamy and Gont cannot
interfere therewith.

The question for decision by
the Gont therefore is
whether or not to enforce
the Swamy's order so far
as it prohibits the
excommunicated persons
from entering the Jain Bastis
under Mysore manage-
ment All the conditions
laid down in the ~~aforesaid~~
cited above
Gont order, have been
fulfilled in the present

case, the Guru having himself conducted the enquiry and passed the excommunication order in due form under his seal and signature am also declared that the excommunicated persons are unfit to enter Jam Bastis until they undergo a purificatory ceremony This matts' excommunication order is reported to have been given effect to by Govt in another case about the year 1850

The Govt ~~also~~ observe further that irrespective of the quotations from Shastras made by the Priest of the matt in his long judgment, there is a s among all classes of

Hindus and also among Mahomedans
that a person who is
beaten with shoes loses
caste to some extent,
until purified, and that
the Priest's order is in
accordance with this
sentiment

In these circumstances,
the Govt are pleased
to direct that the present
excommunication order
passed by the Swamy
of the Sravanabelagala
Jain Matt should be
enforced so far as
the Jain Basts and
other Jain religious-
institutions under Muzrai
management are concerned,
that is to say, that
the excommunicated persons
should not be allowed

to enter those institutions until the needful purificatory ceremonies are performed.

Dewan's order 13/4/07

Secretary.
13/4/07

To,
The Deputy Commr.
Hassan Distt. returning
the enclosures,
The Deputy Commrs. of
other Distts.
The Officer in charge of
the Palace establishment.

Print.